

ASSEMBLY BILL

No. 1415

Introduced by Assembly Member Adams

February 27, 2009

An act to amend Sections 2101 and 3011 of, and to add Sections 3020.5 and 14216.5 to, the Elections Code, and to add Section 14902.5 to the Vehicle Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1415, as introduced, Adams. Elections: voting procedures.

(1) Existing law specifies the qualifications for registration as a voter and excludes from eligibility a person in prison or on parole for the conviction of a felony. Under existing law, a person who willfully allows himself or herself, or another person, to register as a voter knowing that the registration qualifications are not met, is guilty of a crime.

This bill would additionally make a person on probation for the conviction of a felony not eligible to register to vote, and would provide that a prohibition against voting is a condition of imprisonment, parole, or probation for conviction of a felony.

Because the bill would create new crimes, it would impose a state-mandated local program.

(2) Existing law requires that the identification envelope for returning a vote by mail ballot contain specified information and that a vote by mail ballot be received by the issuing elections official or the precinct board no later than the close of polls on election day.

This bill would additionally require that the identification envelope include a verification panel, concealed during mailing, setting forth the last 4 digits of the voter's California driver's license or identification card number or, if unavailable, the last 4 digits of the voter's social

security number. The bill would require the Department of Motor Vehicles to waive the fee for an identification card requested to satisfy this provision. The bill would require the elections official to verify the accuracy of the identification information before counting the vote.

The bill would make an exception from the deadline for returning a vote by mail ballot for specified members of the military stationed outside of the United States, instead requiring that their vote by mail ballot be postmarked on or before election day and received by their elections official not later than 21 days after election day.

Because the bill would impose additional duties on elections officials, it would impose a state-mandated local program.

(3) Existing law requires that a person desiring to vote announce his or her name and address to a precinct worker at the polling place.

This bill would also require a person who desires to vote to show specified proof of identification. The bill would authorize a person who does not have proof of identification to vote a provisional ballot after completing an affidavit under penalty of perjury that he or she is a registered voter. The bill would require the Department of Motor Vehicles to waive the fee for an identification card requested for satisfying the voter identification requirement.

By imposing additional duties on elections officials and creating new crimes, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2101 of the Elections Code is amended
2 to read:

3 2101. (a) A person entitled to register to vote shall be a United
4 States citizen, a resident of California, not in prison or on parole

1 *or probation* for the conviction of a felony, and at least 18 years
2 of age at the time of the next election.

3 *(b) A prohibition against voting while imprisoned for, or on*
4 *parole or probation for, the conviction of a felony shall be a*
5 *condition of that imprisonment, parole, or probation.*

6 SEC. 2. Section 3011 of the Elections Code is amended to read:

7 3011. (a) The identification envelope shall contain all of the
8 following *information*:

9 (1) A declaration, under penalty of perjury, stating that the voter
10 resides within the precinct in which he or she is voting and is the
11 person whose name appears on the envelope.

12 (2) The signature of the voter.

13 (3) The residence address of the voter as shown on the affidavit
14 of registration.

15 (4) The date of signing.

16 (5) A notice that the envelope contains an official ballot and is
17 to be opened only by the canvassing board.

18 (6) A warning plainly stamped or printed on it that voting twice
19 constitutes a crime.

20 (7) A warning plainly stamped or printed on it that the voter
21 must sign the ~~envelope~~ *verification panel, described in paragraph*
22 *(12)*, in his or her own handwriting in order for the ballot to be
23 counted.

24 (8) A statement that the voter has neither applied, nor intends
25 to apply, for a vote by mail voter's ballot from any other
26 jurisdiction for the same election.

27 (9) The name of the person authorized by the voter to return the
28 vote by mail ballot pursuant to Section 3017.

29 (10) The relationship to the voter of the person authorized to
30 return the vote by mail ballot.

31 (11) The signature of the person authorized to return the vote
32 by mail ballot.

33 *(12) A verification panel, concealed during mailing, requiring*
34 *the last four digits of the voter's California driver's license number*
35 *or California identification card number or, if neither is available,*
36 *the last four digits of the voter's social security number.*

37 (b) Except at a primary election for partisan office, and
38 notwithstanding any other provision of law, the vote by mail voter's
39 party affiliation may not be stamped or printed on the identification
40 envelope.

1 (c) (1) An elections official shall verify that the information
2 provided pursuant to paragraph (12) of subdivision (a) is from
3 the California driver's license or California identification card
4 or social security number issued to the voter submitting the vote
5 by mail ballot before the vote may be counted.

6 (2) Paragraph (1) shall not apply to a valid ballot cast pursuant
7 to the Uniformed and Overseas Citizens Absentee Voting Act (42
8 U.S.C. Sec. 1973ff-1 et seq.).

9 SEC. 3. Section 3020.5 is added to the Elections Code, to read:

10 3020.5. Notwithstanding Section 3020, 3311, or 4103, or any
11 other provision of law, a vote by mail ballot of a member of the
12 Armed Forces of the United States or any auxiliary branch thereof
13 who is stationed outside of the territorial limits of the United States
14 or the District of Columbia shall be cast and postmarked by the
15 United States Postal Service or the Military Postal Service Agency
16 on or before election day and shall be received by the voter's
17 elections official not later than 21 days after election day.

18 SEC. 4. Section 14216.5 is added to the Elections Code, to
19 read:

20 14216.5. (a) Prior to receiving a ballot, a voter shall present
21 to a member of the precinct board proof of identification that
22 satisfies all of the following requirements:

23 (1) The document shows the name of the individual to whom
24 the document was issued, and the name conforms to the name in
25 the individual's voter registration record.

26 (2) The document shows a photograph of the individual to whom
27 the document was issued.

28 (3) The document includes an expiration date, and the document
29 is not expired at the time of voting or it expired after the date of
30 the most recent general election.

31 (4) The document was issued by the United States or the State
32 of California.

33 (b) If a voter is unable to, or refuses to, provide proof of
34 identification pursuant to subdivision (a), he or she may execute
35 a declaration, certified as to its truthfulness and correctness under
36 penalty of perjury, declaring that he or she is registered to vote.
37 Upon execution of the declaration, the voter shall be issued a
38 provisional ballot pursuant to Section 14310.

39 SEC. 5. Section 14902.5 is added to the Vehicle Code, to read:

1 14902.5. Notwithstanding any other provision of law, the fee
2 for an original or replacement identification card shall be waived
3 for a person who requests the identification card for purposes of
4 satisfying the requirement of Section 3011 or 14216.5 of the
5 Elections Code.

6 SEC. 6. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution for certain
8 costs that may be incurred by a local agency or school district
9 because, in that regard, this act creates a new crime or infraction,
10 eliminates a crime or infraction, or changes the penalty for a crime
11 or infraction, within the meaning of Section 17556 of the
12 Government Code, or changes the definition of a crime within the
13 meaning of Section 6 of Article XIII B of the California
14 Constitution.

15 However, if the Commission on State Mandates determines that
16 this act contains other costs mandated by the state, reimbursement
17 to local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.